

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

EDO GINSBURG, M.D. and
BRIAN P. YUSKEVICH, M.D.,

Plaintiffs,

v.

ARIA HEALTH PHYSICIAN SERVICES, f/k/a,
ARIA HEALTH SYSTEM, f/k/a, FRANKFORD
HEALTH CARE SYSTEM, INC., and RANDY K.
METCALF, M.D.,

Defendants.

CIVIL ACTION NO. 2:12-cv-01140-NLS

(Electronically Filed)

**DEFENDANTS': (1) OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL
COMPLIANCE WITH RULE 26(F) AND TO COMPEL ANSWERS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES AND DISCOVERY
REQUESTS; AND (2) CROSS-MOTION FOR A PROTECTIVE ORDER**

AND NOW Defendants, Aria Health Physician Services, Aria Health System, and Randy K. Metcalf, M.D., by and through their undersigned counsel, Duane Morris LLP, hereby: (1) respond to and oppose Plaintiffs' Motion to Compel Compliance with Rule 26(f) and Compel Answers to Plaintiffs' First Set of Interrogatories and Discovery Requests; and (2) cross-move for a protective order: (a) providing that Defendants are not required to respond to discovery requests that have been served by Plaintiffs; and (b) precluding Plaintiffs from serving any further discovery requests and pursuing depositions until a Rule 26(f) conference is completed after the filing of Defendants' motion to dismiss. The basis for Defendants' opposition and cross-motion is more fully set forth in Defendants' concurrently filed Memorandum of Law and the supporting Exhibits attached thereto, including the Declaration of Sigrid Warrender.

WHEREFORE, Defendants respectfully request that this Honorable Court: (1) deny Plaintiffs' Motion to Compel a Rule 26(f) Conference and Motion to Compel Answers to Plaintiffs' First Sets of Interrogatories and Document Requests; and (2) grant Defendant's Motion for Protective Order.

Respectfully submitted,

/s/ Patrick Matusky

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/s/ Jonathan D. Wetchler

Jonathan D. Wetchler, Esq.

/s/ Christopher D. Durham

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*Attorneys for Defendants Aria
Health Physician Services, Aria Health System and
Randy K. Metcalf, M.D.*

Dated: April 23, 2012

CERTIFICATION PURSUANT TO RULE 37(a)

I, Jonathan D. Wetchler, Esquire, do hereby certify that I have attempted in good faith, to confer with Plaintiffs' attorneys, Bochetto and Lentz, P.C., concerning Plaintiffs' requests to schedule a Rule 26(f) conference and Plaintiffs' discovery requests.

Dated: April 23, 2012

/s/ Jonathan D. Wetchler
Jonathan D. Wetchler

CERTIFICATE OF SERVICE

I, Christopher D. Durham, do hereby certify that a true and correct copy of Defendants' Opposition to Plaintiffs' Motion to Compel Compliance with Rule 26(f) and to Compel Answers to the First Set of Interrogatories and Document Requests and Cross-Motion for a Protective Order, and all supporting documentation, was electronically filed with the Court on the below-listed date and is available for viewing and downloading from the ECF System. All counsel of record were served via electronic notification.

Dated: April 23, 2012

/s/ Christopher D. Durham
Christopher D. Durham